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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,490

05/25/2005

Michiko Okafuji

92478-3100

6788

52044

7590

05/22/2009

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EXAMINER

HINES, ANNE M

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

05/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,490	Applicant(s) OKAFUJI ET AL.	
	Examiner ANNE M. HINES	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10-19 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on March 2, 2009, has been entered and acknowledged by the Examiner.

Claims 8, 10-19 and 25 are pending in the instant application, claims 11-18 are withdrawn from consideration as drawn to a non-elected invention.

Double Patenting

Claim 25 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 10 of the instant application because both claims depend directly from independent claim 8 and appear to be identical. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. (US 6011354) in view of Wedding (US 7157854) (of record).

Regarding claim 8, Tsai teaches an image display apparatus in which a pair of substrates are disposed opposite each other such that an internal space is formed therebetween, electrodes and at least two types of phosphor are provided between the substrates, and discharge gas is enclosed in the internal space (Fig. 2; Column 4, lines 43-65), the image display apparatus displaying an image by applying voltages to the electrodes so as to cause discharges to occur in the internal space, and via the phosphor material, converting ultraviolet light generated as discharges occur into visible light (Column 4, lines 43-65), where the internal space is partitioned by a plurality of barrier ribs in a stripe pattern which form a plurality of grooves, each groove being closed at one end by an auxiliary barrier rib such that the internal space is divided into a first space provided with a first phosphor layer and a second space provided with a second phosphor layer and among the plurality of grooves, grooves constituting the first space connect with one another and grooves constituting the second space connect with one another (Fig. 2; Column 4, lines 43-65). Tsai fails to teach wherein the discharge gases respectively enclosed in the first and second narrow tubes differ from each other in at least one of composition and pressure.

In the same field of endeavor, Wedding teaches wherein the discharge gases respectively enclosed in the first and second narrow tubes differ from each other in at least one of composition and pressure in order to optimize the gas pressure and composition for each phosphor (Column 14, lines 56-59).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Tsai to have the gas pressure and composition in each tube differ from

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one tube to another in order to optimize the gas pressure and composition for each phosphor, as disclosed by Wedding.

Regarding claim 10 and 25, Tsai further discloses wherein the first phosphor is one of red, green, and blue and the second phosphor is if a color that is different than the first phosphor (Fig. 2; Column 4, lines 43-65).

Regarding claim 19, Tsai teaches an image display apparatus manufacturing method comprising an outer vessel forming step of forming an outer vessel in which a pair of substrate are disposed opposite one another such that an internal space is formed therebetween, electrodes and at least two types of phosphor layer are provided between the substrates, discharge gas is enclosed in the internal space, the internal space is partitioned by a plurality of barrier ribs in a stripe pattern which form a plurality of grooves, each groove being closed at one end by an auxiliary barrier rib such that the internal space is divided into a first space connected with one another and grooves constituting the second space connect with one another, and first and second exhaust tubes connected to the first and second spaces respectively are provided, and an exhausting-enclosing step of, via the first and second exhaust tubes, respectively, exhausting the first and second space and enclosing discharge gas therein (Fig. 2; Column 4, lines 43-65). Note that, since Tsai discloses the channels being filled with discharge gas the Examiner considers this to characteristically disclose an exhausting and enclosing step for the discharge gas and the channels both connect to and divide

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the internal spaces between the substrates. Tsai fails to teach wherein during the exhausting-enclosing step the discharge gases respectively enclosed in the first and second narrow channels differ from each other in at least one of composition and pressure.

In the same field of endeavor, Wedding teaches wherein the discharge tubes include red, green, and blue phosphors in order to form a full color display device (Fig. 5; Column 9, lines 7-16) and wherein the discharge gases respectively enclosed in the first and second narrow tubes differ from each other in at least one of composition and pressure in order to optimize the gas pressure and composition for each phosphor (Column 14, lines 56-59).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Tsai to have to have the gas pressure and composition in each channel differ from one tube to another in order to optimize the gas pressure and composition for each phosphor, as disclosed by Wedding.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anne M Hines/
Patent Examiner
Art Unit 2879

/NIMESHKUMAR D. PATEL/
Supervisory Patent Examiner, Art Unit 2879